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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,955	03/05/2002	Tatsutoshi Kitajima	220329US2	5362
22850	7590	02/23/2006	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.				NGUYEN, LUONG TRUNG
1940 DUKE STREET				
ALEXANDRIA, VA 22314				
ART UNIT		PAPER NUMBER		
		2612		

DATE MAILED: 02/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/087,955	KITAJIMA, TATSUTOSHI	
	Examiner	Art Unit	
	LUONG T. NGUYEN	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 30 November 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-13 is/are pending in the application.
 - 4a) Of the above claim(s) 13 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-9, 11 and 12 is/are rejected.
- 7) Claim(s) 10 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 05 March 2002 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Invention Group I, Claims 1-12 in the reply filed on 11/30/2005 is acknowledged. The traversal is on the ground(s) that there is no serious burden to the Examiner to examine all the claims 1-13 together. This is not found persuasive because:

- 1) The invention of Group I, Claims 1-12 does not include and audio input/storage unit which inputs audio data and record data, and an interface unit which outputs the audio data to the outside as claimed in the invention of Group II, Claim 12.
- 2) These inventions are classified in different classification.
- 3) The search for Invention of Group I does not need to search for features "audio input/storage unit," and "an interface unit which outputs the audio data," as claimed in Invention of Group II.
- 4) The Applicant does not show any evidence that there is no serious burden to the Examiner for examine all the claims together.

The requirement is still deemed proper and is therefore made FINAL.

2. Claim 13 is withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected Invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 11/30/2005.

Priority

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

4. The information disclosure statement (IDS) submitted on 3/05/02, 11/29/02, 11/10/03, 4/27/04, 6/10/04, 6/17/04 have been considered by the examiner.

Claim Objections

5. Claims 1-12 are objected to because of the following informalities:
 - Claim 1 (lines 14, 19), "a still picture" should be changed to --the still picture--.
 - Claim 8 (line 6), "the external storage unit" should be changed to --the external storage device--.
 - Claim 8 (line 7), "the predetermined operation mode" should be changed to --a predetermined operation mode--.
 - Claim 9 (lines 2-3), "the motion picture selection unit" should be changed to --a motion picture selection unit--.
 - Claim 12 (line 10), "the separator" should be changed to --the separation unit--.
- Claims 2-12 are objected as being dependent on claim 1.
- Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 6-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Okada et al.

(US Patent Application No. 2003/0112340).

Regarding claim 1, Okada et al. discloses a digital camera, comprising:

a motion picture recording unit which obtains a motion picture by continuously recording it (moving picture recording button 15 b, figure 1, page 3, paragraph [0040]), and a still picture recording/storage unit composed of a still picture recording unit (still picture recording button 15 a, figure 1, page 3, paragraph [0040]) which records a still picture by releasing a shutter and a picture storage unit (frame buffer 7, figure 1, page 3, paragraphs [0042], [0066]) which stores the still picture;

a compression unit (combination of JPEG core circuit 5, MPEG core circuit 6, first MC circuit 22a, second MC circuit 22b, figure 1, page 4, paragraphs [0049] to [0053]) which compresses the respective frames constructing the motion picture and provides compressed motion picture data in a predetermined operation mode;

an interface unit (input-output circuit 11, figure 1, page 4, paragraph [0045]) which outputs the compressed motion picture data in an appropriate format;

a picture selection unit (when the ON signal is sent out from the still picture recording button 15a during the recording of the moving image, the control core 14 judges that snapshot shooting is instructed, then image data for one frame is temporarily stored in frame buffer 7, figures 1, 7, page 5, paragraph [0066]), which permits a user to select a picture by any of the

recording of a still picture by releasing the shutter and the designation of a picture stored in the picture storage unit,

wherein the compression unit comprises a selected picture output unit (when the ON signal is sent out from the still picture recording button 15a during the recording of the moving image, the control core 14 judges that snapshot shooting is instructed, then image data for one frame is temporarily stored in frame buffer 7, figures 1, 7, page 5, paragraph [0066]) which provides, when the user selects a picture by the picture selection unit, the selected picture as it is without compressing it instead of the compressed motion picture data.

Regarding claim 6, Okada et al. discloses the shutter inherently included in image pickup device 2, figure 1, page 3, paragraph [0040]), a release button of the shutter (still picture recording button 15 a, figure 1, page 3, paragraph [0040]), and a motion picture selection unit (paragraphs [0062], [0063]) which uses a picture recorded in relation to the manipulation of the release button manipulated by the user in the predetermined operation mode as a selected picture.

Regarding claim 7, Okada et al. discloses a unit which permits the user to select a still picture from the still pictures stored in the picture storage unit (snap shot recording, page 5, paragraphs [0065], [0066]).

Regarding claim 8, Okada et al. discloses an external storage device interface unit (data bus 13, figure 1, page 4, paragraphs [0044], [0045]) which permits data to be transmitted between a detachable external storage device (memory card 10, figure 1, page 4, paragraphs

[0044], [0045]) and the picture storage unit biaxially as well as the external storage device interface unit permits the external storage unit to be mounted and dismounted in the predetermined operation mode (memory card 10 is mounted on the electronic camera 1 in a detachable manner, figure 1, page 4, paragraphs [0044], [0045]) .

Regarding claim 9, Okada et al. discloses a unit which obtains the selected picture by combining two pictures recorded continuously in time (the moving image of being presently shot and the still image to be recorded as a snap shot are displayed in parallel on the display 9, figure 9, page 5, paragraph [0067]).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okada et al. (US Patent Application No. 2003/0112340) in view of Juen (US Patent Application No. 2002/0024602).

Regarding claim 2, Okada et al. discloses a still picture compression unit (JPEG core circuit 5, figure 1, page 4, paragraphs [0043], [0046]) which compresses the selected picture at a still picture compression rate.

Okada et al. fails to disclose a still picture compression rate that is lower than the compression rate of the compression unit to thereby provide the selected picture by compressing it at the still picture compression rate instead of the compressed motion picture data. However, Juen teaches a compression rate changing means 8 which lowers the compression rate of the image compression means 7 during recording of the still image recording means 4 (figure 4, page 3, paragraph [0049]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Okada et al. by the teaching of Juen in order to record a still image having a higher image quality than that of a moving image.

Regarding claim 3, Juen discloses a picture reduction unit (image density converter 16, figure 1, page 3, paragraph [0061]) which thins out the pixels of the respective frames by a predetermined procedure.

10. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okada et al. (US Patent Application No. 2003/0112340) in view of Juen (US Patent Application No. 2002/0024602) further in view of de Queiroz et al. (US 6,058,210).

Regarding claim 4, Okada et al. and Juen fail to disclose a gray scaling unit which gray scales color picture data and a unit which permits the user to select any of the still picture compression unit which compresses the selected picture and the gray scaling unit.

However, de Queiroz et al. teaches in MPEG compression, each individual pixel in a frame may express a gray scale (column 3, lines 8-45). Therefore, it would have been obvious to

one of ordinary skill in the art at the time the invention was made to modify the device in Okada et al. and Juen by the teaching of de Queiroz et al. in order to compress image data.

Regarding claim 5, de Queiroz et al. discloses a binarizing unit (binary digits, column 2, lines 57-65) which binarizes picture data and a unit which permits the user to select any of the still picture compression unit and the binarizing unit in the compression of the selected picture.

11. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Okada et al. (US Patent Application No. 2003/0112340) in view of JP 11-234624.

Regarding claim 11, Okada et al. fails to disclose a multiplex unit which outputs the selected picture by time-division multiplexing it and the compressed motion data. However, JP '624 teaches the compressed moving image data and the compressed still image data are subject to time division multiplex by a data multiplexer/demultiplexer circuit 16 (see abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Okada et al. by the teaching of JP '624 in order to composite still image data and motion image data for recording data on a recording medium or transmitting to other device.

12. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Okada et al. (US Patent Application No. 2003/0112340) in view of Greer et al. (US 5,959,622).

Regarding claim 12, Okada et al. discloses a picture display unit (display 9, figure 1, page 3, paragraph [0041]) which displays a picture.

Okada et al. fails to disclose a picture input unit which receives picture data from the outside; a separation unit which separates a still picture (i.e., a selected picture) from the received picture data and stores it in the picture storage unit, and an expansion unit which expands the picture data (i.e., a motion picture) having passed through the separator; a unit which causes the user to designate which of the output from the compression unit and the received picture data is to be displayed, whereby the user can selectively observe picture data being transmitted and the received picture data.

However, Greer et al. teaches conferencing systems 100 and 112, each receives or transmits a still image or motion image via network 110 (figures 1-3, column 2, lines 37-65, column 3, lines 11-554, column 6, lines 1-10). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Okada et al. by the teaching of Greer et al. in order to capture a still image or a motion image, which can be used in a conferencing system.

Allowable Subject Matter

13. Claim 10 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Itsukaichi (US 6,897,891) discloses computer system using a digital camera that is capable of inputting moving picture or still picture data.

Hwang (US Patent Application No. 2001/0009439) discloses personal computer camera with various applications.

Prentice et al. (US Patent Application No. 2003/0030729) discloses dual mode digital imaging and camera system.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUONG T. NGUYEN whose telephone number is (571) 272-7315. The examiner can normally be reached on 7:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DAVID L. OMETZ can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LN
02/20/06

Luongt.nguyen

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PATENT EXAMINER